

## REMARKS

1. Claims 1-13 are pending in the application. Of these claims, claims 1, 2 and 5 stand rejected and claims 3, 4 and 6-13 stand objected to. This communication amends claims 1, 2 and 4-13. Reconsideration of this application is respectfully requested.
  
2. Claim 10 stands objected to because the term "an interior area" is vague as compared to "a first interior area" and "a third interior area." In response, the term "a first interior area" has been amended to -- a test region area -- , the term "an interior area" has been amended to -- a first interior area --, and "a third interior area" has been amended to -- a second interior area --. Accordingly, objected to claim 10 is in condition for allowance.

Claims 11-13 stand objected to because their preambles are not consistent with the preamble of base claim10. In response, the preambles of claims 11-13 have been amended to be consistent with the preamble of base claim 10.

In view of the foregoing, withdrawal of the above objection to the claims is respectfully urged.

3. The drawings stand objected to because all the figures are not clear enough. In response, enclosed herewith are three (3) amended replacement drawing sheets, which correct the clarity of all the figures. Note that in FIGS. 2 and 3, the lead line for reference numeral 29 has been amended to properly identify the first interior area described in the specification. Further note that the reference numerals (37, 38, 47,48) identifying the discontinuous border segments have been added to FIG. 3. No new matter is believed entered by the amended replacement drawing sheets. Accordingly, withdrawal of the objection to the drawings is respectfully urged

4. Claims 1, 2 and 5 stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent 6,859,748 to Yang et al. (Yang).

In response, claim 1 has been amended to eliminate certain unnecessary limitations and to recite “a test region defining a first interior area and a second interior area” and “a test pattern disposed within the first interior area...the test pattern comprising a border at least partially enclosing the second interior area.”

Yang does not expressly or inherently describe the gap fill test pattern of currently amended claim 1. Yang merely describes a test structure 110a having a plurality of STI squares 281. The STI squares do not comprise a border at least partially enclosing a second interior area, as currently required in the claims. Accordingly, withdrawal of this rejection is respectfully urged.

5. Claims 2 and 4 have been amended to be consistent with the structure now recited in claim 1. Claim 5 has been amended to clarify the border feature. Claims 6-9 have been amended to be consistent with the structure now recited in claim 5.

6. The specification has been amended to correct reference numerals and to add references to the figures. In addition, paragraph [0013] of the specification has been amended to be consistent with the amendments made in claim 5, i.e., “contiguous border” has been amended to -- continuous border --. Support for this amendment can be found in FIG. 2 which shows continuous border elements 17 and 27. No new matter is believed enter by these amendments.

7. It is noted that dependent claims 3, 4, 6-9 contain allowable subject matter. It is further noted that independent claim 10 contains allowable subject matter.

8. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-13 are in condition for allowance, early notification of which is earnestly solicited. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact the undersigned attorney at his number listed below.

9. The Commissioner is hereby authorized to charge payment of any filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17, which are associated with this communication, or credit any overpayment to Deposit Account No. 50-2061.

Respectfully submitted,



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